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10-12-01

A/DESK to JTC
PTO/SB/05 (2/98)

jc931 U.S. PTO

10/10/01

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Only for nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

500582.12

October 10, 2001.

First Inventor or Application Identifier

Jerry S. Powell

Title

HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL EXPRESSION IN STABLE
TRANSFECTED MAMMALIAN CELLS

Express Mail Label No.

EL 872037917 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Box Patent Application
Commissioner of Patents
Washington, D.C. 20231

1. ☒ Fee Transmittal Sheet
(Submit an original and a duplicate for fee processing)

2. ☒ Applicant(s) Claim(s) Small Entity Status

3. ☒ Specification [Total Pages] **14**
(preferred arrangement set forth below)

- Descriptive Title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

☒ Drawing(s) (35 USC 113) [Total Sheets] **3**

☒ Oath or Declaration [Total Pages] **3**

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)

- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b)

☒ Application Data Sheet (37 C.F.R. 1.76)

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer
Program (Appendix)

8. ☒ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. ☐ Computer-Readable Form (CRF)

- b. ☒ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ paper

c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Certification Under 35 U.S.C. 122(b)(2)(B)(i)

10. ☐ Assignment Papers (cover sheet & document(s))

11. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)

12. ☐ English Translation Document (if applicable)

13. ☒ Preliminary Amendment Total Pages **10**

14. ☒ Return Receipt Postcard

15. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

16. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

17. ☒ Other: Certificate of Express Mail
Check
General Authorization

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment

☒ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior Application No.: 08/466,412 Filed June 6, 1995

Prior application information: Examiner James Martinell

Group / Art Unit 1633

☒ **Incorporation By Reference** (useable if box 5b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

CORRESPONDENCE ADDRESS

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Customer No. 27,076

TYPED or PRINTED NAME Mark W. Roberts, Ph.D.

REGISTRATION NO. 46,160

SIGNATURE Mark W. Roberts

Date Oct 10, 2001

FEE TRANSMITTAL SHEET (FOR FY 2001)

Complete if Known

Express Mail No.	EL 872037917 US
Filing Date	Concurrently Herewith
First Named Inventor	Jerry S. Powell
Group Art Unit	Not Yet Assigned
Examiner	Not Yet Assigned
Atty. Docket Number	500582.12

METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP

2. ☒ Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
101	740	201	370	<input checked="" type="checkbox"/> Utility Filing Fee
106	330	206	165	<input type="checkbox"/> Design Filing Fee
108	740	208	370	<input type="checkbox"/> Reissue Filing Fee
114	160	214	80	<input type="checkbox"/> Provisional Filing Fee
Subtotal (1)				\$ 370

2. EXTRA CLAIM FEES

Current Claims	Prior	Extra	Fee	Fee Paid
Total 30	- 20	= 10	x \$ 9	= \$ 90
Ind 6	- 3	= 3	x \$ 42	= \$ 126
Multiple Dependent Claims		x	\$	= \$
Subtotal (2)				\$ 216

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent Claim
109	80	209	40	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - Late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For Filing a Request for Reexamination
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within 2 nd month
117	920	217	460	Extension for reply within 3 rd month
118	1,440	218	720	Extension for reply within 4 th month
128	1,960	280	980	Extension for reply within 5 th month
120	320	220	160	Filing a brief in support of an appeal
121	280	270	140	Request for oral hearing
148	110	248	55	Terminal Disclaimer Fee
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility/Reissue issue fee (+ advance copies)
143	460	243	230	Design issue fee (+ advance copies)
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petitions related to provisional applications
126	180	126	180	Submission of IDS
581	40	81	40	Recording each patent assignment per property (times number of properties)
179	740	279	370	Request for Continued Examination (RCE)
Subtotal (3)				\$ 460

Other fee (specify)

Total Amount of Payment: \$ 1,046

Submitted by:

Name: Mark W. Roberts, Ph.D.

Reg. No.: 46,160

Telephone: (206) 903-8728

Signature: 

Date: Oct 10, 2001

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jerry S. Powell Attorney Docket No.: 500582.12
Filed : Concurrently Herewith
Title : HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL EXPRESSION IN STABLY
TRANSFECTED MAMMALIAN CELLS

GENERAL AUTHORIZATION

Box Patent Application
Commissioner of Patents
Washington, D.C. 20231

Sir:

With respect to the above-identified application, the Commissioner is authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required and to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a)(3) for its timely submission as incorporating a petition therefor for the appropriate length of time and to charge any fees which may be required during the course of prosecution, or credit any overpayment, to Deposit Account No. 50-1266.

Date Oct 10, 2001

Mark W. Roberts, Ph.D.
Registration No. 46,160

MWR:sj

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Box Patent Application
Commissioner of Patents
Washington, D.C. 20231

Sir:

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. EL872037917US, on October 10, 2001, addressed to Box Patent Application, Commissioner of Patents, Washington, DC 20231.

Respectfully submitted,

DORSEY & WHITNEY LLP


/ for West Courier

MWR:sj

Enclosures:

Postcard
Check
Form PTO/SB/05
Application Data Sheet
Fee Transmittal Sheet (+ copy)
General Authorization
Preliminary Amendment (and Petition for Extension of Time)
and Sequence Listing on Paper and Diskette
Copy of Specification, Claims, Abstract (14 pages)
Copy of 3 Sheets of Drawings (Figures 1A-3)
Copy of Declaration and Power of Attorney
Copy of Revocation and Power of Attorney
Declaration Verifying Sequence Listing